

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHWESTERN DIVISION

**FILED**

JUL 2 1997

TENNESSEE VALLEY AUTHORITY )

Plaintiff )

v. )

GREGORY ALLEN PUCKETT )

Defendant )

Civil Action  
No. CV96-HM-3290-NW

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
*EB Hallom*

**ENTERED**

JUL 03 1997

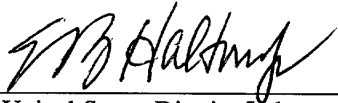
**FINDINGS AND CONCLUSIONS**

This cause coming on to be heard on the written motion of plaintiff, supported by affidavit, for judgment by default in favor of plaintiff and against defendant pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, the Court makes the following findings and conclusions:

1. The summons and complaint were served upon defendant on February 3, 1997; defendant has failed to appear, plead, or otherwise defend.
2. Defendant is not an infant or incompetent person, nor has defendant been in the military service of the United States since the filing of this suit or for a period of six months prior to such filing.
3. On August 7, 1995, defendant was assessed a civil penalty of \$1,753.97 for his violation of the Archaeological Resources Protection Act (ARPA). Defendant failed to appeal or pay the civil penalty assessment.

4. Section 7(b)(2) of ARPA, 16 U.S.C. § 470ff( b)(2) (1994), provides that, if any person fails to pay an assessment of a civil penalty after the order making the assessment becomes final, a civil action may be instituted in a district court of the United States of any district in which such person is found, resides or transacts business to collect the penalty. Section 7(b)(2) of ARPA also expressly provides that, “[i]n such action, the validity and amount of such penalty shall not be subject to review.” Thus, the final unpaid civil penalty assessment in the amount of \$1,753.97 for defendant’s violation of ARPA is due to be enforced by this Court. A judgment will enter accordingly.

Done this 2nd day of JULY, 1997.

  
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United States District Judge

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